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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,308	03/19/2004	Terry Lynn Cole	TT5592	7330
53362	7590	09/08/2005		
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			EXAMINER TANG, SON M	
			ART UNIT	PAPER NUMBER
			2632	
DATE MAILED: 09/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,308

Applicant(s)

COLE, TERRY LYNN

Examiner

Son M. Tang

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-3 are objected to because of the following informalities: the claimed words “WLAN” needs to spell out. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 3, word “may” is being indefinite term if it is use in the claim, the term can be means have or not have.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-8, 11-13 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Peskin et al. [US 2003/0046304].

Regarding claims 1, 12 and 19: Peskin discloses a mobile computing device 100, comprising:

-a scheduling facility 104 for maintaining a scheduled of one more timed events, where each timed event associated reminder and reminder parameter;
an alert generator for issuing a reminder alert;
a location detector 102 [¶ 0043] for determining a current location of the mobile computing device; and a processing unit 106 adapted to execute a condition detection program for interfacing with the location detector and scheduling facility to control the issuance of the reminder alert such that a reminder alert is suppressed (deactivated) if the current location of the mobile computing devices matches the reminder parameter [shown in Fig. 1 and 7, ¶ 0086 and ¶ 0095].

Regarding claims 4, 17 and 20: Peskin discloses the location detector comprises a GPS detector [¶ 0035].

Regarding claim 5: Peskin discloses the reminder alert is issued if the current location of the mobile computing device does not match the reminder parameter [shown in Fig. 8, steps 810-820 and ¶ 0087].

Regarding claims 6 and 8: Peskin discloses an audio and display alert [see ¶ 0087].

Regarding claim 7: Peskin discloses a synthesized reminder announcement for the timed event [see ¶ 0075].

Regarding claim 11: Peskin also discloses a location detector determines the current location by locally generating location information (current location) for the cell phone device using Bluetooth technology [see ¶ 0036-0038].

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Regarding claim 13: Peskin discloses the condition detection hardware detects the physical location of the mobile communications system, which met by the GPS/Bluetooth receiver detects the location [see ¶ 0038].

Regarding claim 18: Peskin discloses the alert hardware is adapted to issue a modified alert signal (deactivates the alarm) when the condition detection (location) is associated with the predetermined event (appointment time) [see ¶ 0086].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **2-3, 9-10 and 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peskin et al.

Regarding claims 2-3: Peskin discloses all the limitations as described above, except for not specifically disclose that the location detector comprises a WLAN device for obtaining the current location of the mobile computing device from an access point. WLAN is well known in communication art, thus Examiner taken Official Notice that WLAN device for obtaining location information is known in the art.

Regarding claims 10 and 14-15: Peskin discloses all the limitations as described above, Peskin teaches that the real time physical position is receiving by acquisition component

102 via cellular communication technologies and the like [see ¶ 0038], except for not specifically mention that information receiving from a cellular network. Since, cellular communication is a network communication, therefore, it would have been obvious of one having ordinary skill in the art at the time of the claimed invention to recognize that cellular communication technology is transmitting through a cellular network.

Regarding claims 9 and 16: Peskin discloses all the limitations as described above, and further disclose that a telecommunication device is automatically placing a phone call to a specified or predetermined phone number that involved in the appointment [see ¶ 0030] and also in an other embodiment, wherein the scheduler 100 transmit an email message when the associated event appointment occurs [¶ 0076], however Peskin does not specifically disclose that the reminder alert is modified or (suppress) if the predetermined phone number has or has not been call. Since, the scheduler 100 is being able to place a call and sent email when appointment occurred and also can be able to deactivate an alert if the event condition is met. Therefore, it would have been obvious of one having ordinary skill in the art at the time of the claimed invention to recognize that any appropriated predetermined event can be used by the scheduler, including to place a phone call as claimed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andrews et al. [US 6,678,613], Forter et al. [US 6,281,797], Naito et al. [US 6,925,603] and [McGee et al. US 2004/0207522].

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang


BENJAMIN C. LEE
PRIMARY EXAMINER